

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

EDWARD GREEN,
Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff, Edward Green, complaining of Defendant, hereby alleges:

JURISDICTION AND VENUE

1. This action arises under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 2671 *et seq.* This court is vested with jurisdiction pursuant to 28 U.S.C. § 1346(b).
2. Plaintiff resides in Taunton, Massachusetts and the acts and omissions complained of in this complaint occurred in this District.
3. Plaintiff has complied with the provisions of the FTCA in that on or about June 3, 2024, Plaintiff duly submitted a claim for damages in the amount of \$510,000.00 to the United State Postal Service (USPS), which date was less than two years from the date that the claims alleged in this case arose.
4. More than six months have elapsed and the USPS has failed to make a final disposition of this claim and is therefore deemed a final denial of the claim pursuant to 28 U.S.C. § 2675(a).

PARTIES

5. Plaintiff, Edward Green, is an individual residing in Taunton, Bristol County, Massachusetts.

6. The USPS is an independent establishment of the executive branch of the Government of the United States of America under 30 U.S.C. § 201, headquartered at 475 L'Enfant Plaza SW, Washington, D.C., and is vicariously liable to Plaintiff in connection with the claim sued upon, and is responsible for the negligent acts of Ashley Colon, a current and/or former employee of the USPS, under the common law doctrine of respondeat superior.

COUNT I - NEGLIGENCE

7. All previous paragraphs are re-alleged and incorporated by reference as if set forth fully herein.

8. On or about June 29, 2022, Plaintiff, Edward Green, was driving his personal vehicle, a 2011 Toyota, southbound on Bay Street in Taunton, Massachusetts.

9. On or about June 29, 2022, Ashley Colon, an employee of the USPS, was driving a 1988 GMC mail delivery truck southbound on Bay Street in Taunton, Massachusetts, behind the Plaintiff.

10. At all times material to this complaint, Ashley Colon was an employee of the USPS, was driving a USPS vehicle, and was performing her official duties for and on behalf of the USPS.

11. On or about June 29, 2022, at approximately 5:45 PM, Plaintiff was stopped at a red light at or near 2097 Bay Street, Taunton, Massachusetts when Ashley Colon, operating the USPS vehicle, failed to stop and collided with the rear of the Plaintiff's vehicle.

12. As a result of the above-described collision, the Plaintiff sustained serious injuries, including but not limited to injuries to his head including concussion, injuries to his lower back, and injury to his left knee, and other diverse personal injuries, some or all of which may be permanent.

13. Ashley Colon had a duty to operate her employer's USPS vehicle in such a manner as to avoid causing injury to another person.

14. On or about June 29, 2022, Ashley Colon carelessly, negligently, and unskillfully operated, managed, or controlled her employer's USPS vehicle.

15. As a result of Ashley Colon's negligent operation of the USPS vehicle, she caused a collision which resulted in the front of the USPS truck colliding with the rear of the Plaintiff's vehicle.

16. The aforementioned collision was caused solely and exclusively by reason of the negligence of Ashley Colon.

17. The aforementioned collision was not caused in any manner whatsoever by any act or failure to act on the part of the Plaintiff, Edward Green.

18. At the time of the collision, Ashley Colon failed to pay attention to the road and traffic in front of her.

19. At the time of the collision, Ashley Colon failed to follow the rules of the road.

20. At the time of the collision, Ashley Colon failed to take evasive action to avoid the collision.

21. As a direct and proximate result of the negligence of Defendant, the Plaintiff, Edward Green, was seriously injured, as described above.

22. As a further direct and proximate result of the negligence of Ashley Colon, the Plaintiff, Edward Green, will for an indefinite time in the future be obliged to expend various and diverse sums of money in and about an effort to cure himself of the injuries he has suffered, all to his great detriment and loss.

23. As a further direct and proximate result of the negligence of Ashley Colon, the Plaintiff, Edward Green, suffered a loss of earning capacity, loss of wages, and an inability to work. He continues to suffer from his injuries.

24. But for the negligence of Ashley Colon, an employee acting within the scope of her employment with the USPS, at the time of the collision, Plaintiff would not have suffered injuries.

25. Defendant, United States of America, is subject to liability for torts committed by its employee Ashley Colon while such employee is acting within the scope of their employment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- a. Damages in the amount of \$510,000.00 with interest on such amount as allowed by law from the date of judgment until paid;
- b. Costs of suit; and
- c. Such other and further relief as the court deems just and proper.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL COUNTS

Respectfully Submitted,

The Plaintiff,
By his attorneys,



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